

**IN THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

DEWITT LAVON THOMAS
2516 E. Monument Street
Baltimore, Maryland 21505

and

MALLISSA DELL THOMAS
2516 E. Monument Street
Baltimore, Maryland 21505

Plaintiffs

vs.

BALTIMORE CITY POLICE DEPARTMENT
ATTN: Commissioner Norris
601 East Fayette Street
Baltimore, MD 21202

and

OFFICER KEITH GLADSTONE
individually,
c/o Baltimore City Police Department
601 East Fayette Street
Baltimore, MD 21202

Defendants

Civil Action No. CCB-03-488

**PLAINTIFFS' RESPONSE TO DEFENDANT MAYOR AND CITY
COUNCIL'S MOTION TO DISMISS**

Come now the Plaintiffs Mr. and Mrs. Dewitt Thomas, by and through the undersigned counsel Claudia Barber, who provides the following response to the defendant Mayor and City Council of Baltimore's Motion to Dismiss:

1. Currently pending before this court is Plaintiffs' motion for leave to amend the original complaint.

2. The complaint has been amended to delete all references to constitutional claims, and purely alleges state law claims. Thus, Plaintiffs have further sought leave to remand the current litigation back to state court.

3. Defendants have removed this case to federal court based on certain references in the original complaint to violation of constitutional rights of the plaintiffs.

4. In light of the proposed Amended Complaint, which deletes entirely this Defendant Mayor and City Council of Baltimore as a party to this litigation, this defendant's motion should be denied as being moot.

WHEREFORE, plaintiffs pray that the court deny defendant Mayor and City Council's motion to dismiss as being moot and enter the proposed Order that is attached hereto.

Respectfully submitted,

Claudia Barber
Attorney for Plaintiffs (Bar # 06190)
Laurel Lakes Executive Park
8325 Cherry Lane
Laurel, MD 20707
(301) 953-2905 & (410) 880-0960

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of March, 2003, I served a copy of the foregoing Response to Defendant Mayor and City Council's Motion to Dismiss and proposed Order, first-class postage prepaid to counsel for defendants: Troy A. Priest, Esquire; Brown, Diffenderffer and Kearney; 1010 Hull Street; Suite 300; Baltimore, MD 21230; William R. Phelan, Jr., Esquire; Principal Counsel; Baltimore City Department of Law; 100 Holliday Street; Baltimore, MD 21202; Ira Fine, Esquire; Associate Legal Counsel; Office of Legal Affairs; Baltimore Police Department; 242 W. 29th Street; Baltimore, MD 21211.

Claudia Barber, Esquire

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BALTIMORE CITY POLICE DEPT, et al

Defendants

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ORDER

Upon consideration of Defendant Mayor and City Council's Motion to Dismiss, and any response thereto, it is this ____ day of _____, 2003 by the United States District Court for the District of Maryland

ORDERED that the Defendant Mayor and City Council of Baltimore's Motion to Dismiss be and the same is hereby DENIED as being MOOT.

JUDGE